

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

ROBERT JAMES WAYNE,
Plaintiff,

Civil Action No. 7:21-cv-00106

v.

MEMORANDUM OPINION

MARTIN KUMER, et al,
Defendant(s).

By: Glen E. Conard
Senior United States District Judge

Robert James Wayne, proceeding pro se, filed a civil rights complaint, pursuant to 42 U.S.C. § 1983, while incarcerated. By its Order entered February 22, 2021, the court advised plaintiff that a failure to update a mailing address after a transfer or release from incarceration will result in dismissal of this action.

The court's mail to plaintiff has been returned as undeliverable, and plaintiff has not contacted the court since February 19, 2021. Plaintiff failed to comply with the court's Order requiring plaintiff to maintain an accurate mailing address. Therefore, the court finds that plaintiff failed to prosecute this action, pursuant to Federal Rule of Civil Procedure 41(b), by not complying with the court's February 22, 2021, Order. Accordingly, the court dismisses the action without prejudice and denies all pending motions as moot. See Ballard v. Carlson, 882 F.2d 93, 96 (4th Cir. 1989) (stating pro se litigants are subject to time requirements and respect for court orders and dismissal is an appropriate sanction for non-compliance); Donnelly v. Johns-Manville Sales Corp., 677 F.2d 339, 340-41 (3d Cir. 1982) (recognizing a district court may sua sponte dismiss an action pursuant to Fed. R. Civ. P. 41(b)).

The Clerk is directed to send copies of this Memorandum Opinion and the accompanying Order to the parties.

ENTER: This 19th day of March, 2021.

/s/Glen E. Conrad
Senior United States District Judge